

## **II. Remarks/Arguments**

### **A. Remarks.**

Claims 1-53 stand rejected under 35 USC § 112 due to insufficient antecedent basis listed in claims 1, 8, 11, 19, 26, and 29. Claims 1-6, 9, 11, 19-24, 27, 29, 41-44, and 50-51 stand rejected under 35 USC § 102(b) as being anticipated by Tengel et al., US 5,940,812. Claims 7, 8, 10, 12-18, 25, 26, 28, 30-36, 45, 46, and 52-53 stand rejected under 35 USC § 103(a) as being unpatentable over Tengel '812.

### **B. Response**

#### **1. 35 USC § 112**

Claims 1-53 stand rejected under 35 USC § 112 based upon assertions of insufficient antecedent basis of claim limitations. Claim 1 and 19 were noted as reciting the limitation of “the type of collateral” and “the loan” in line 4, it was inserted that insufficient antecedent basis for this limitation was found in the claim. In response these claims have been amended to recite “a type of collateral” and “a loan”. Claims 8 and 26 were rejected for lacking antecedent basis for the claim limitation “the event”. While Applicant does not agree that this is a term requiring antecedent basis, in furtherance of prosecution of this application, Applicant has amended claims 8 and 26 and rearranged the phrase “in the event of a loan default” within the claims. Claims 11 and 29 were rejected on the basis that they lacked antecedent basis for the term “the availability”. Again, Applicant respectfully disagrees this is a term requiring antecedent basis however in furtherance of prosecution of this application these claims have been amended as well .

#### **2. 35 U.S.C. § 102 - Claims 1-6, 9, 11, 19-24, 27, 29, 41-44, and 50-51**

Claims 1-6, 9, 11, 19-24, 27, 29, 41-44, and 50-51 stand rejected under 35 USC § 102(b) as being anticipated by Tengel '812. In response, a claim is anticipated only if each and every

element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Claims 1 and 19 include the element of “range of acceptable values”. On the other hand, Tengel et al. ‘812 does not contain a loan process where either set of users can include “a range of acceptable values”. Accordingly, Tengel et al. ‘812 does not include each and every element of claims 1 or 19 and as such it is an inappropriate reference to serve as the basis for rejection of these claims under 35 USC § 102(b). It is therefore respectfully requested that the rejection of these claims be removed. Claims 5-6, 9, 11, 18-24, 27, 29, 41-44, and 50-51, which all depend from claims 1 or 19, should be allowable as well.

3. 35 U.S.C. § 103(a) - Claims 7-8, 10, 12-18, 25-26, 28, 30-36, 45-46 and 52-53

Claims 7-8, 10, 12-18, 25-26, 28, 30-36, 45-46 and 52-53 stand rejected under 35 USC § 103(a) as being unpatentable over Tengel et al. ‘812. In response, to sustain a rejection under 35 U.S.C. § 103(a) a prima facie case of obviousness must be established. M.P.E.P. § 2142. To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. *Id.*

Rejected claims 7-8, 10, 12-18, 25-26, 28, 30-36, 45-46 and 52-53 all depend from claims 1 or 19. Claims 1 and 19 both include the limitation concerning “range of acceptable values.” As noted above, Tengel et al. ‘812 fails to include the range of acceptable values element present in these rejected claims. Accordingly this reference fails to disclose all of the elements as

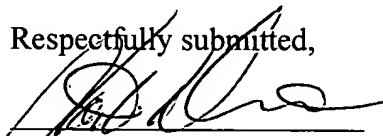
required by 35 USC § 103(a). Moreover, no teaching or suggestion of a “range of acceptable values” can be found in this reference. Therefore it should be removed as a basis for rejection of these claims. Applicant respectfully requests that the rejection of claims 7-8, 10, 12-18, 25-26, 28, 30-36, 45-46 and 52-53 under 35 U.S.C. § 103(a) be reconsidered and removed.

### **III. CONCLUSION**

Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of the application, the Examiner is invited to contact the Applicants’ representative by telephone or fax.

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Respectfully submitted,



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